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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/511,168	02/24/2000	Xinguo Wei	FSP0054	5447

7590 06/19/2006

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EXAMINER	
HOM, SHICK C	

ART UNIT	PAPER NUMBER
2616	

DATE MAILED: 06/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Offic Action Summary	Application N .	Applicant(s)	
	09/511,168	WEI, XINGUO	
	Examin r	Art Unit	
	Shick C. Hom	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 February 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Upon reconsideration, the finality of previous office action has been withdrawn.

Response to Arguments

2. Applicant's arguments with respect to claims 1-21 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless -
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-4, 14, and 19-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Shuman et al. (5,907,559).

Regarding claims 1-4, 14, and 19-21:

Shuman et al. disclose and recite a method and device for monitoring locations distributed over large areas using a multi-level tree network and a modular approach clearly anticipate managing network elements in a communications network comprising establishing a hierarchy of geographical areas in the communication network. Figs. 1-2 and col. 3 lines 23-45 shows and recite the sensor data registers being connected to sensor level modules which continually read and serially transmit all the stored data to the previous (last multiplexing level) modules so that ultimately only the one "addressed" sensor level module, i.e. level 1 or level 1 module of Figs. 1 and 2A, respectivley, has a through pathway back to the computer 30 clearly anticipate the hierarchy of geographical areas where an area at a higher level of the hierarchy includes a plurality of areas at a lower level of the hierarchy; representing each network element in a geographical area at a first level in the geographical hierarchy; and summarizing the representation of network elements at a second level in the geographical hierarchy, higher than the first level of the geographical hierarchy as in claims 1, 19 and the n levels of geographical areas in the network as in claim 2. Col. 1 lines 14-36 which recite the automated monitoring systems involving computer acquisition of data from sensors distributed throughout permits

access to real-time data from all storage regions and can alert personnel to the need for control measures clearly anticipate monitoring the network elements includes triggering an alarm in response to a condition of a particular network element as in claims 3, 4. Col. 5 lines 18-32 which recite the use of repeater or radio frequency modems clearly anticipate the communication network being wireless as in claims 14 and 20-21.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shuman et al. (5,907,559) in view of Henderson et al. (5,726,979).

Regarding claim 11:

For claim 11, Shuman et al. disclose the system and method described in paragraph 4 of this office action. Shuman et al. disclose all the subject matter of the claimed invention with the exception of the step of wherein management of the network includes installation of network elements into the communications network and in which representing each network element in a geographical area at a first level in the geographical hierarchy includes entering a latitude and a longitude of the network element upon installation into the network as in claim 11.

Henderson et al. from the same or similar fields of endeavor teach that it is known to provide the step of wherein management of the network includes installation of network elements into the communications network and in which representing each network element in a geographical area at a first level in the geographical hierarchy includes entering a latitude and a longitude of the network element upon installation into the network (see col. 7 lines 28-54 which recite the use of the nsLatLong class for representing the latitude and longitude data as in claim 11). Thus, it would have been obvious to the person having ordinary skill in the art at the time the invention was made to provide the step of wherein management of the network includes installation of

network elements into the communications network and in which representing each network element in a geographical area at a first level in the geographical hierarchy includes entering a latitude and a longitude of the network element upon installation into the network as taught by Henderson et al. in the communications network of Shuman et al. The step of wherein management of the network includes installation of network elements into the communications network and in which representing each network element in a geographical area at a first level in the geographical hierarchy includes entering a latitude and a longitude of the network element upon installation into the network can be implemented by providing the step of wherein management of the network includes installation of network elements into the communications network and in which representing each network element in a geographical area at a first level in the geographical hierarchy includes entering a latitude and a longitude of the network element upon installation into the network of B et al. to the design of the network of Shuman et al. The motivation for providing the step of wherein management of the network includes installation of network elements into the communications network and in which representing each network element in a geographical area at a first level in the geographical hierarchy includes entering a

latitude and a longitude of the network element upon installation into the network as taught by Henderson et al. in the communication network of Shuman et al. being that it provides the added desirable feature of knowing the latitude and a longitude of the network element at the higher level of the geographical hierarchy.

7. Claims 5-10, 12-13, and 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shuman et al. (5,907,559) in view of Weinberg et al. (6,144,962).

Regarding claims 5-10, 12-13, 15-18:

For claims 5-10, 12-13, 15-18, Shuman et al. disclose the system and method described in paragraph 4 of this office action. Shuman et al. disclose all the subject matter of the claimed invention with the exception of the step of summarizing the representation of network elements by representing the condition of network element with an icon including coloration on a map and that varies with respect to the status of the network element; including rules defining the meaning of the icon; and textual annotation as recited in claims 5-10, 18; wherein network management being supervised comprising creating supervisor identities; and in which the establishment of rule-

sets includes establishing a set of rules for each supervisor identity as in claims 12-13; and of detecting a failure of one or more network elements; sending an alarm to the higher level; and in response to the alarm identifying and locating failed network element at the lower level as in claims 15-18.

Weinberg et al. from the same or similar fields of endeavor teach that it is known to provide the steps summarizing the representation of network elements by representing the condition of network element with an icon including coloration on a map and that varies with respect to the status of the network element; including rules defining the meaning of the icon; wherein network management being supervised comprising creating supervisor identities; and in which the establishment of rule-sets includes establishing a set of rules for each supervisor identity; and textual annotation and of detecting a failure of one or more network elements; sending an alarm to the higher level; and in response to the alarm identifying and locating failed network element at the lower level (the abstract recites the step of building a graphically depicted map to allow user to visualize the overall architecture of the network connection including features to facilitate the task of identifying problems; col. 2 lines 27-48 recite using icons within the map to represent nodes on the display screen to display the

hierarchical data structure; col. 27 lines 27-39 recite using an icon color coding scheme to better allow user to distinguish the icons; col. 9 lines 1-18 recite the use of textual annotation; col. 20 lines 20-33 which recite the task manager processor and col. 22 lines 31-46 which recite the use of an error code clearly reads on an alarm as recited in claims 5-10, 15, 18). Thus, it would have been obvious to the person having ordinary skill in the art at the time the invention was made to provide the step of summarizing the representation of network elements by representing the condition of network element with an icon including coloration on a map and that varies with respect to the status of the network element; including rules defining the meaning of the icon; and textual annotation; and of detecting a failure of one or more network elements; sending an alarm to the higher level; and in response to the alarm identifying and locating failed network element at the lower level as taught by Weinberg et al. in the system and method of managing network elements of Shuman et al. The step of summarizing the representation of network elements by representing the condition of network element with an icon including coloration on a map and that varies with respect to the status of the network element; including rules defining the meaning of the icon; and textual annotation; and of detecting a failure of one or more

network elements; sending an alarm to the higher level; and in response to the alarm identifying and locating failed network element at the lower level can be implemented by including the step of summarizing the representation of network elements by representing the condition of network element with an icon including coloration on a map and that varies with respect to the status of the network element; including rules defining the meaning of the icon; and textual annotation; and of detecting a failure of one or more network elements; sending an alarm to the higher level; and in response to the alarm identifying and locating failed network element at the lower level of Weinberg et al. to the program of Weinberg et al. The motivation for providing the step of summarizing the representation of network elements by representing the condition of network element with an icon including coloration on a map and that varies with respect to the status of the network element; including rules defining the meaning of the icon; and textual annotation; and of detecting a failure of one or more network elements; sending an alarm to the higher level; and in response to the alarm identifying and locating failed network element at the lower level as taught by Weinberg et al. in the method and system of managing network of Shuman et al. being that it provides the added desirable features of detecting failure of one or more

network elements; and better allow user to distinguish the error at the network.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
Bertram et al. disclose a computer controller used interactive display system for presenting graphs with interactive icons for accessing related graphs.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shick C. Hom whose telephone number is 571-272-3173. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on 571-272-3174. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SH SH

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